

PROB 12A
(NYEP-1/22/08)

TANYA M. PARRIS, Sr. USPO

United States District Court
for
Eastern District of New York
Report on Offender Under Supervision

Name of Offender: John Lima

Case Number: 06-CR-349-(S-3)

Name of Sentencing Judicial Officer: The Honorable Eric N. Vitaliano, U.S. District Judge

Date of Original Sentence: November 16, 2007

Original Offense: 18 U.S.C. § 1344, Bank Fraud, A Class B felony

Original Sentence: Sixty months custody, five years supervised release, a \$100 special assessment fee, and the following special conditions: 1) restitution in the amount of \$61,263.56 is due immediately and payable to the Clerk of the Court at a quarterly rate of \$25 while the defendant is in prison, and at the monthly rate of 25% of his disposable income after his release; 2) if the defendant is deported, he may not re-enter the United States illegally; 3) the defendant shall participate in an outpatient and/or inpatient drug treatment or detoxification program approved by the Probation Department. He shall pay the costs of such treatment/detoxification to the degree he is reasonably able, and shall cooperate in securing any applicable third-party payment. He shall disclose all financial information to the Probation Department to assess his ability to pay. He shall not consume any alcohol or other intoxicants during and after treatment/detoxification, unless granted a prescription by a licensed physician and proof of same is provided to the Probation Department. He shall submit to testing during and after treatment to ensure abstinence from drugs and alcohol; 4) the defendant shall comply with the restitution order and provide complete financial disclosure to the Probation Department to monitor compliance; and 5) the defendant shall not possess a firearm, ammunition or destructive device.

Modification Request: On May 16, 2013, a status conference was held to address the offender's failure to notify the Probation Officer of a change in his residence, and the recommendation was for 90 days placement in a residential re-entry center. The matter was adjourned to July 26, 2013, for the resolution of the pending local case in Brooklyn Criminal Court. Further, the offender was instructed to provide rent receipts, and to report by telephone to the Probation Department once per week, and in person as directed by the Probation Officer

Type of Supervision: Supervised Release Date Supervision Commenced: October 1, 2011

NON-COMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	New Criminal Conduct

U.S. Probation Officer Action:

On June 10, 2013, the offender was arrested by the Leominster, Massachusetts Police Department and charged with twenty-one counts of Receiving Stolen Property, in violation of Massachusetts State Penal Law 266/60/A, a felony, two counts of Utter False Checks, in violation of Massachusetts State Penal Law 267/5/B, a felony, and one count of False Name and Social Security, Arrestee Furnish, in violation of Massachusetts State Penal Law, a misdemeanor. According to the police report, Detective Thomas Cuddahy of the Massachusetts Police Department, received a request for assistance from the Bank of America located on 1 Main Street in Leominster, Massachusetts. Upon his arrival, Detective Cuddahy spoke with Officer Davis Wilson who informed that there was a male (the offender), inside the bank attempting to open an account with stolen checks. Detective Cuddahy further informed that when he entered the bank, he spoke with Deven Hughs, the bank manager, and she informed Detective Cuddahy that the bank has been made aware by the Bank of America Fraud Division notices of a group that started in New York City opening accounts and then withdrawing monies the next day. All the checks being deposited are made out to Con Edison Co out of New York. Ms. Hughs informed Detective Cuddahy that the male party (the offender), had paperwork giving him permission to open the account in Con Edison Business name that was false. Subsequently, Detective Cuddahy spoke with the offender, and asked him for identification, and the offender stated he didn't have any. The offender was then pat down for safety reasons and was again asked who he was and he stated he had nothing to say. According to Detective Cuddahy, the offender also stated, "If you're going to arrest me then arrest me."

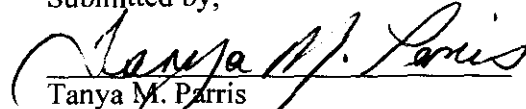
Detective Cuddahy further informed that two checks were handed over to him that the offender attempted to use to open and deposit the account with. Both checks were made out to Con Edison, the first check was written by Lindon Towers Cooperative No 5, Inc in New York City in the amount of \$12,547.53, and the second check was written by 2 Dag Hammarski Plaza Condominium also in New York City in the amount of \$19,225.95. According to the arrest report, Detective Cuddahy received confirmation from Ms. Hughs, the bank manager, and Frank Kalaher, the financial crimes compliance specialist for the Bank of America, who confirmed that the checks were real, and that there is a large group of people in the New York City area intercepting Con Edison payments, most likely a postal employee, and then turning the checks over to this group. These checks are the monthly payment for electric in the New York area. The checks are taken and then deposited into a false Con Edison account, and by the time Con Edison notifies the customer the next month that the bill had not been paid, the checks are deposited and the funds withdrawn, leaving the Bank of America as the victim. According to Detective Cuddahy, Frank Kalaher informed him that the Bank of America is out close to \$1,000,000 and that the group has stolen close to \$10,000,000.

According to Detective Cuddahy, the offender stated his name was Georges Longestret, and he was in possession of a Florida driver license and Haitian passport under that name. Additionally, the offender was in possession of paperwork that had been forged from the IRS with an Employee ID number, however, this number is a social security number and not a tax ID number. Also, the paperwork showed the name Con Edison with the address 945 Concord Street in Framingham, Massachusetts. In the open brief case that the offender had in the bank, there was a notary stamp with the indent of Con Edison out of Wyoming. There were also 19 other checks all made out to Con Edison from 19 business or corporations in New York. The total of all 21 checks is \$243,102.49, and all the checks were post dated May 25, 2013. The offender remains in local custody, with a cash bail set at \$500,000. The case is pending in the Massachusetts local district court, and is awaiting indictment in the Massachusetts Superior court.

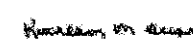
The Assistant U.S. Attorney for the Southern District of New York is pursuing these charges in Federal court, and on June 17, 2013, the Honorable Kevin Nathaniel Fox, U.S. Magistrate Judge for the Southern District of New York ordered the issuance of an arrest warrant for the offender.

Based on this information, upon receipt of the charging documents from the Southern District of New York, we will go forward with submitting a violation of supervised release report to the Court.

Submitted by,


Tanya M. Parris
Senior U.S. Probation Officer

Approved by,

 Kathleen M. Dunn
2013.06.24 16:53:21 -04'00'
Kathleen M. Dunn
Supervising U.S. Probation Officer
Date:

THE COURT ORDERS that the probation department:

- ☒ Take no Action
- ☐ Submit a Request for Modifying the Condition or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ Other

s/ ENV


Signature of Judicial Officer

JUL 2 2013

Date